

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 445-A

CASE NO. 96-14M/84-17C

(PUD Modification @ 2001 L Street, NW - Lafayette Centre)

(September 15, 1997)

At its public meeting on April 14, 1997, the Zoning Commission for the District of Columbia considered and approved an application from Mitsui Seimi America Corporation for a minor modification to an approved planned unit development (PUD) for property located at premises 2001 L Street, NW, pursuant to Chapter 24 and the Consent Calendar Regulations of Chapter 30, of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning.

FINDINGS OF FACT

1. The application, which was filed on December 26, 1996, requested a minor modification to a previously approved planned unit development (PUD) for property at premises 2001 L Street, NW, Lot 120 in Square 100.
2. The Applicant also requested the Zoning Commission to review this application pursuant to the Consent Calendar provisions of 11 DCMR 3030.
3. By Order No. 445, the Zoning Commission granted final approval of the PUD for Lot 120 in Square 100. The approved PUD was Phase V of the Lafayette Centre PUD. Phases I, II and III of the Lafayette Centre PUD and modification were approved under Order No. 189 (1979), and No. 688 (1991). Phase IV has not been constructed.
4. Pursuant to Order No. 445, a ten-story office and retail building was constructed at 2001 L Street, NW. The building has a height of 110 feet and has an individual FAR of 9.04. The total FAR for all four phases of the Lafayette Centre is 6.85.
5. This application requests a minor modification of the existing PUD to upgrade the existing lobby located at 20th Street, NW and L Street, NW and to enclose the existing public arcade on the ground level of the building.
6. The upgrade of the lobby would increase the total square footage of the building by 825 square feet. The enclosure of the arcade would increase the size of the building by 1,413 square feet. The proposed modifications do not increase the total FAR of the building since the arcade is counted in the calculation of the existing building's FAR.
7. By memorandum dated April 2, 1997, the Office of Zoning (OZ) referred the application to the Office of Planning (OP) requesting review and comments about the merits of the applicant's request.

8. By memorandum dated April 2, 1997, OZ referred the application to the Zoning Administrator (ZA) inquiring why the ZA could not approve the applicant's request as filed.
9. By memorandum dated April 11, 1997, OP recommended approval of the application without a public hearing, stating "the proposed PUD modifications, which the Office of Planning believes are minor, appear to be consistent with the overall concept of the previously approved PUD. The upgrade of the lobby would enhance the design of the building while maintaining its harmony with the other components of the Lafayette Centre. The enclosure of the arcade and the introduction of the lobby continue the facade along 20th Street, NW and are consistent with the other developments in the area".
10. The ZA did not respond to OZ's April 2, 1997 request for information.
11. Advisory Neighborhood Commission (ANC) 2A did not participate in this application.
12. On April 14, 1997 at its regular monthly meeting, the Zoning Commission reviewed the application as a Consent Calendar matter and took proposed action to approve the minor modification.
13. The proposed decision of the Zoning Commission to approve the application was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganizational Act, on July 3, 1997.
14. NCPC, by delegated action of the Executive Director dated July 24, 1997, found that the proposed modification would not adversely affect the federal establishment or other federal interests in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.
15. The Zoning Commission concurs with the applicant and OP that approving the minor modification is appropriate and not inconsistent with the intent of 11 DCMR 2409.9 and 3030.
16. The Zoning Commission further believes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act.

CONCLUSIONS OF LAW

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interest of the District of Columbia. The Commission further believes that this modification request is properly before it under the provisions of Section 3030 of the Zoning Regulations.
2. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned commercial

developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter of right development.

3. The development of the project as modified is compatible with District wide and neighborhood goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. The approval of this minor modification is not inconsistent with the Comprehensive Plan for the National Capital and the purposes of the Zoning Act.
5. The modification can be approved with conditions which ensure that the development will not have an adverse effect in the surrounding community but will enhance the neighborhood and assure neighborhood stability.
6. The approval of this modification will promote orderly development, in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map.
7. ANC 2A did not participate in this modification application.
8. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the findings of fact and conclusions of law in this order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification of a PUD for Lot 120 in Square 100 at 2001 L Street, NW . The approval of this minor PUD modification is subject to the following guidelines, conditions and standards:


1. The PUD shall be developed in accordance with the plans prepared by the architectural firm of Esocoff & Associates, marked as Exhibit Number 3 of this record.
2. The minor modification shall allow for the upgrade of the existing lobby at 20th and L Streets: NW and the enclosure of the arcade along 20th Street, NW
3. Pursuant to the intent of 11 DCMR 2409.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs (DCRA) for the minor PUD Modification until the applicant has recorded a "Notice of Modification" of Z.C. Order No. 445 with the land records of the District of Columbia. That Notice of Modification shall include a true copy of Z.C. Order No. 445 that the Director of the Office of Zoning has certified. The recordation of the Notice of Modification shall bind the applicant and successors in title to construct on and use this site in accordance with this order and any amendments thereof.

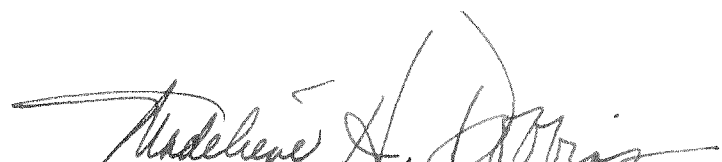
4. After recordation of the Notice of Modification, the applicant shall promptly file a certified copy of that Notice of Modification with the Office of Zoning for the records of the Zoning Commission.
5. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the applicant has satisfied conditions 3 and 4.
6. The minor PUD modification approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in subsections 11 DCMR 2409.2 and 2409.3 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.
7. Pursuant to D.C. Code Section I-253 1 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the Applicants are required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Regulations Division of DCRA to approve permits if the Applicants fail to comply with any provision of D.C. Law 2-38 as amended.

Vote of the Zoning Commission taken at its public meeting on April 14, 1997: 4-O (John G. Parsons, Jerrily R. Kress, Maybelle Taylor Bennett and Herbert M. Franklin to Approve).

This order was adopted by the Zoning Commission at its public meeting on September 15, 1997, by a vote of 4-O: (Herbert M. Franklin, John G. Parsons and Maybelle Taylor Bennett, to adopt; Jerrily R. Kress to adopt by absentee vote).

In accordance with the provisions of 11 DCMR 3028.8, this order shall become final and effective upon publication in the D.C. Register; that is on OCT 3 1997.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

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